

REMARKS

Applicants believe that the Final rejection is premature, and requests reconsideration and further examination under 37 CFR 1.111(a). While the Examiner concludes that the new ground(s) of rejection presented in the Office Action of June 1, 2005 were “necessitated” by the previous amendment; a review of the amendment included in Applicants’ communication of March 14, 2005 clearly shows that the sole changes to the claims were:

- Canceling original Claim 5 and incorporation the steps of cancelled Claim 5 into Claim 1;
- Removal of the paragraph identifiers “i)”, “ii)”, and “iii)” from Claim 1; and
- Conforming Claims 25, 26, and 30 to the form of amended Claim 1.

Since the features of amended Claim 1 are identical to those of cancelled Claim 5, it would be improper to hold that the new grounds of rejection could have been necessitated by the amendment. Any rejection properly applied against Claim 5 as it stood after the communication filed on March 14, 2005 should have been applied against original Claim 5 in the first Office Action, and could not have been necessitated by Applicants’ amendment.

Since, as argued above, the Final rejection is premature, then Applicants have the right to reexamination with amendment. However, even if the Final rejection is ultimately determined to have been proper, the Examiner is requested to enter the amendment proposed herein as a bona fide attempt to advance the case to final action. It is clear from his remarks that the Examiner understood Applicants’ intent to claim a retardation layer that is applied directly onto the transitional substrate, and that the rejection was made because of the Examiner’s interpretation that *“the limitation ‘applying a retardation layer on the transitional substrate’ does not preclude an intermediate layer....”* The present amendment merely acknowledges the Examiner’s position and provides language that would preclude such an intermediate layer. As such, the amendment only seeks to more clearly define that which the Examiner previously understood to be the invention.

Previously presented Claim 1 stands rejected under 35 U.S.C. 102(b) as being anticipated by Saynor. The basis of the rejection is the Examiner’s position that the claim did not specifically require that the retardation layer be applied directly to the transitional substrate without an intermediate layer.

However, presently amended Claim 1 leaves no doubt that the retardation layer must be applied directly to the transitional substrate without an intermediate layer. The Saynor patent is directed to an optical device with combined alignment and anisotropic layers. As illustrated in Figure 8 of Saynor, layers 16 and 26 are indicated as retarder layers while layer 12 is an alignment layer and layer 14 is an orientation layer. Specifically the alignment layer 12 is placed on a substrate 10. Next, retarder layer 12 is placed on the alignment layer 12. Since an alignment layer 12 is placed on the substrate, Applicants respectfully submit that Saynor does not disclose applying a retardation layer directly onto the surface of the transitional substrate, as recited in presently amended Claim 1.

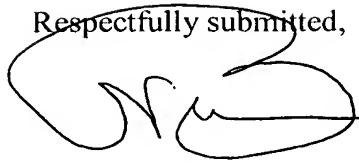
The only other independent claim, Claim 31, stands rejected under 35 U.S.C. 103(a) as unpatentable over Saynor in view of Chung and Koch et al. Claim 31 is amended herein in a manner similar to Claim 1 such as to preclude an intermediate layer between the transitional substrate and the retardation layer. As such, Claim 31 is patentable for at least the same reasons as Claim 1.

Dependent claims not specifically addressed add additional limitations to the independent claims, which have been distinguished from the prior art and are therefore also patentable.

In conclusion, none of the prior art cited by the Office Action discloses the limitations of the claims of the present invention, either individually or in combination. Therefore, it is believed that the claims are allowable.

If the Examiner is of the opinion that additional modifications to the claims are necessary to place the application in condition for allowance, he is invited to contact Applicant's attorney at the number listed below for a telephone interview and Examiner's amendment.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.